



WP (MD) No.11645 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.07.2022

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.11645 of 2022
and
W.M.P.(MD)No.8228 of 2022

R.Kannan

.. Petitioner

Versus

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai Region,
Madurai.
- 3.The Executive Officer,
A/m.Navaneetha Krishnan Temple,
Aruppukottai Town,
Virudhunagar District.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the third respondent to conduct public auction for leasing out the commercial building belonging to Arulmighu Navaneetha Krishnan Temple, Aruppukottai, comprised in Survey No.24, located at Tiruchuli Road, Aruppukottai, Virudhunagar District, by following procedures of Religious Institutions (Lease of Immovable Property) Rules, 1963.



WP (MD) No.11645 of 2022

For Petitioner : Mr.S.Balamurugan
For R1 and R2 : Mr.P.T.Thiraviam
Government Advocate
For R3 : Mr.P.Mahendran
Standing Counsel

ORDER

This Writ Petition is filed seeking a direction to the third respondent to conduct public auction for leasing out the commercial building belonging to Arulmighu Navaneetha Krishnan Temple, Aruppukottai, comprised in Survey No.24, located at Tiruchuli Road, Aruppukottai, Virudhunagar District, by following procedures of Religious Institutions (Lease of Immovable Property) Rules, 1963.

2.The grievance of the petitioner is that he is doing garment business in the building belonging to the third respondent Temple under the name and style of "Ramco Pattu Mahal" and there is some adjacent space, which has been occupied by Aruppukottai Congress Committee. The said Aruppukottai Congress Committee was in default of rent for quite sometime and the temple initiated proceedings to evict them as encroacher before the Joint Commissioner. The petitioner would further submit that a third person had paid entire dues of Aruppukottai Congress Committee to take over the property and enjoying the same, which is against the Tamil Nadu Hindu



WP (MD) No.11645 of 2022

Religious and Charitable Endowments Act, 1959 [hereinafter referred to as "the H.R. & C.E. Act"]. The petitioner being the shop owner, he is interested to take the property on lease in accordance with law and pay the regular tenancy amount. The grievance of the petitioner is that using the name of the Congress Party, third person should not encroach upon the property.

3.The learned Government Advocate appearing for the respondents 1 and 2 submits that the Congress Committee had filed a petition before the Joint Commissioner for fixation of rent. During the pendency of the proceedings before the Joint Commissioner, they had filed W.P.(MD)No. 18850 of 2016 before this Court. This Court, after considering the submissions of the Congress Committee and the representation submitted by them, vide order dated 28.11.2017, directed the Congress Committee to pay the entire arrears of rent as on date, within a period of two weeks from the date of receipt of the said order and on such payment, directed the Joint Commissioner, Sivagangai, to consider the representations of the Congress Committee, dated 30.07.2015 and 31.03.2016, in the light of G.O.Ms.No.456, Tamil Development, Hindu Religious and News Department, dated 09.11.2007 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the Congress Committee, within a period of six weeks thereafter. Thereafter, the arrears of rent to the tune of



WP (MD) No.11645 of 2022

Rs.14,66,010/- has been paid by the Congress Committee, which has been received without prejudice to the Temple's rights under Section 78 of the H.R. & C.E. Act.

4.The learned Standing Counsel for the third respondent submits that after receipt of the order passed by this Court, dated 28.11.2017, in W.P. (MD)No.18850 of 2016, the Congress Committee has approached the Joint Commissioner, Sivagangai, without payment of arrears of rent. In the said circumstances, the H.R. & C.E. Department, particularly, the third respondent has initiated eviction proceedings against the Congress Committee under Sections 78 and 79 of the H.R. & C.E. Act and accordingly, filed Original Application in M.P.No.1 of 2017/E1, on the file of the Joint Commissioner, H.R. & C.E. Department, Sivagangai, after following due procedures enumerated under the Act.

5.The learned Standing Counsel for the third respondent further submits that all along the Congress Committee without payment of rents, is holding the subject matter of the property and after a long period, due to the effective steps initiated by the third respondent, the President of the Congress Committee has paid the arrears of rent to the tune of Rs.14,66,010/- under the head of "Use and Occupation" on 25.05.2022.



WP (MD) No.11645 of 2022

6.The learned Standing Counsel further submits that the eviction proceedings are pending before the second respondent. The allegations made in the Writ Petition are baseless and frivolous and the third respondent did not act in a biased manner in favour of any individual or Organization. In case of lease of any Temple property, the Thakkar alone is not competent person to give lease of any property of the Temple. Further, if any lease to be granted in favour of anyone, the H.R. & C.E. Department will have to follow the rules as enumerated under the H.R. & C.E. Department.

7.Considering the rival submissions and on perusal of the materials available on record, it is seen that the petitioner is the adjacent shop owner of Congress Committee. The adjacent property is taken on rent by the Congress Committee and the Congress Committee had cleared the arrears of rent to the tune of Rs.14,66,010/- and also further gave an undertaking that henceforth the tenancy amount would be paid regularly. Therefore, this Court finds no merit in the present Writ Petition and the same is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.07.2022

Index : Yes/No



WEB COPY



WP (MD) No.11645 of 2022

M.NIRMAL KUMAR, J.

smn2

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai Region,
Madurai.
- 3.The Executive Officer,
A/m.Navaneetha Krishnan Temple,
Aruppukottai Town,
Virudhunagar District.

WP (MD) No.11645 of 2022

12.07.2022